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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 SCARLETT VERMILLION,

12 Plaintiff,

13 v.

14 CHRIS PACKARD and THURSTON
COUNTY,

15 Defendants.
16

CASE NO. 3:17-cv-05514-RJB

ORDER GRANTING THURSTON
COUNTY DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT AND STRIKING ALL
OTHER PENDING MOTIONS AS
MOOT

17 THIS MATTER comes before the Court on Defendants Chris Packard's and Thurston
18 County's Motion for Summary Judgment. Dkt. 66. Also pending are Plaintiff's Motion to
19 Amend (Dkt. 72), Plaintiff's Motion for Allowance of Entry of Service of Summons and
20 Complaint (Dkt. 77), and Plaintiff's Motion to Submit Summons and Complaint Affidavit (Dkt.
21 78). The Court has considered the motion and the remainder of the file herein.

22 The primary issue raised by the motion for summary judgment is whether Plaintiff
23 properly served Chris Packard and Thurston County (hereinafter, "Thurston County
24

1 Defendants”) under Fed. R. Civ. P. 4. *See* Dkt. 66. Because Plaintiff has not made a showing of
2 proper service of process, despite multiple opportunities to do so, summary judgment in favor of
3 the Thurston County Defendants should be granted.

4 **1. Procedural history.**

5 Plaintiff, who is self-represented, filed this case on the last possible day within the statute
6 of limitations. Dkt. 24 at 8. The Complaint names Chris Packard as a defendant, and this Court
7 found that Thurston County should be added as a defendant that ‘relates back’ to the filing of the
8 initial pleading. Dkt. 53 at 6-8.

9 The Thurston County Defendants first raised insufficient service of process by motion on
10 December 1, 2017. Dkt. 34. The motion sought dismissal based on the failure to timely serve the
11 Thurston County Defendants. The motion also challenged the sufficiency of Plaintiff’s service of
12 process showing, because Plaintiff had only shown service by “affidavits of mailing by certified
13 mail.” Dkt. 21. On January 25, 2018, the Court denied the motion and exercised its discretion to
14 give Plaintiff the opportunity properly serve the Thurston County Defendants by February 2,
15 2018. Dkt. 53 at 8. The Court also warned Plaintiff of the insufficiency of certified mail under
16 Fed. R. Civ. P. 4. Dkt. 53 at 3.

17 On January 26, 2018, Plaintiff again filed affidavits of mailing by certified mail. Dkts.
18 61-63. On February 14, 2018, Plaintiff filed pleadings indicating that she had hired a service of
19 process professional. *See* Dkt. 78 at 4-27. The sworn declarations of the hired process server,
20 however, swear only that they served a “SUMMONS IN A CIVIL ACTION,” not the Complaint.
21 Dkt. 78 at 5, 11, 14, 16.

1 On February 7, 2018, the Thurston County Defendants filed the Motion for Summary
2 Judgment currently pending before the Court, again raising insufficient service of process. Dkt.
3 66.

4 On March 8, 2018, the Court considered the entirety of the record as to Plaintiff's service
5 of process showing. Dkt. 85. Over Thurston County Defendants' objection, the Court gave
6 Plaintiff another opportunity to perfect service of process and re-noted the Thurston County
7 Defendants' Motion for Summary Judgment to March 16, 2018. Dkt. 85. The Court explicitly
8 identified "two errors that, if not remedied by Plaintiff by **March 16, 2018**, should result in
9 dismissal for insufficient service of process." Dkt. 85 at 3 (emphasis in original).

10 Plaintiff has not filed anything since the March 8, 2018 Order, despite explicit
11 instructions, warnings of the consequences, and multiple chances to cure the defect. Therefore,
12 Defendant Chris Packard and Defendant Thurston County should be dismissed for insufficient
13 service of process. The motion for summary judgment should be granted and the case dismissed.

14 Because there remain no other defendants in the case, all other pending motions should
15 be stricken as moot.¹

16 * * *

17 THEREFORE, the Thurston County Defendants' Motion for Summary Judgment is
18 GRANTED. Defendant Chris Packard and Defendant Thurston County are HEREBY
19 DISMISSED for insufficient service of process.

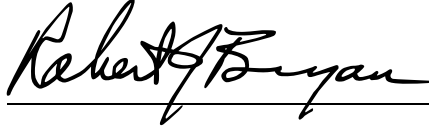
20 All other pending motions (Dkts. 72, 77, 78) are HEREBY STRICKEN as moot. The
21 case is closed.

23 ¹ The Court has considered all other pending motions insofar as they could inform Plaintiff's service of process
24 showing.

1 It is so ordered.

2 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
3 to any party appearing *pro se* at said party's last known address.

4 Dated this 27th day of March, 2018.

5 

6 ROBERT J. BRYAN
7 United States District Judge